

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WP. No. 3656 of 2019

an

WMP.Nos. 4008, 4009 of 2019

1.P.Manivannarj

2.P.Rajarajan

..Petitioners

Vs.

1.The Inspector General of Registration
Registration Office
No.100, Santhome High Road
Chennai 600 028.

2.K.Panneer Selvam

3.The Branch Manager
Union Bank of India
Salem 636 001.

(R3 impleaded vide order dated
19.07.2019, made in WMP.No.20769/2019
in W.P.No.3656/2019)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the Appeal proceedings bearing No.38164/U1/2018 dated 13.12.2018 on the file of the First Respondent and quash the finding with regard to the NOC dated 30.06.2014 issued by the Union Bank of India as bogus.

For Petitioners : Mr. S. Siva Shanmugam

For R-1 : Mr. T.M.Pappiah
Special Government Pleader

For R-2 : Mr. D.Vijay for
Mr.M.Purushothaman

For R-3 : No Appearance

ORDER

When it is pointed out by Mr. T.M. Pappiah, Learned Special Government Pleader, who takes notice for the First Respondent that the Petitioners cannot call upon the Registering Authority

to cancel registration of a document executed between some other persons relating to the property claimed to be owned by the Petitioners and their remedy in that regard is to institute suit in the jurisdictional Civil Court invoking Section 31 of the Specific Relief Act, 1963, as held by the Full Bench of this Court in Muppudathi Pillai -vs- Krishnaswami Pillai (AIR 1960 Madras 1), while considering Section 39 of the Specific Relief Act, 1877 (corresponding to Section 31 of the Specific Relief Act, 1963), which has been reiterated by the Division Bench of this Court in P. Rukamani -vs- Amudhavalli (Judgment dated 17.07.2019 in W.A. No. 229 of 2018), Learned Counsel for the Petitioners seek permission of this Court to withdraw the Writ Petition with liberty to resort to the same and he has made an endorsement to that effect, which is recorded. It is also clarified that the Civil Court shall determine the rights of the parties in such suit on merits in accordance with law uninfluenced and uninhibited, by any of the observations and findings of the First Respondent in the order impugned in this Writ Petition.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration
Registration Office
No.100, Santhome High Road
Chennai 600 028.

2.The Branch Manager
Union Bank of India
Salem 636 001.

+1cc to Mr. S. Siva Shanmugam, Advocate sr.65261
+1cc to Government Pleader sr.65948

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rji(co)
nr 21/08/2019